

REMARKS

In response to the above Office Action, claims 1, 13, 20, and 21 have been amended to more clearly claim Applicants' invention and distinguish it from the cited prior art.

More specifically, claims 1 and 13 have been amended to make it clear that the support material is "dehydrated" before it is pretreated with the organoaluminum compounds and that such support material is pretreated "separately" with at the least two different and "separate" organoaluminum compounds prior to contact with both the transition metal compound (b) and the activator (c). This is clearly supported by Examples 1 and 2 together with page 4, lines 2-6 where dehydrated support material is treated first with TEA "followed by" treatment with TiBA.

Claim 20 has been amended to be consistent with claims 1 and 13.

Finally, claim 21 has been amended to recite that the support material is "dehydrated" and that it is pretreated with at least two different and "separate trialkylaluminum compounds." Support for this is can be found not only in the Examples, but also in claim 4.

In the Office Action the Examiner rejected claims 1-4, 6, 9, 15-18, 20, and 21 under 35 U.S.C. §102(b) for being anticipated by Chang. In the rejection the Examiner references Examples 1-3 and 8 of Chang. In each one of these Examples and as also noted by the Examiner, the support material being treated with TiBA and TMA is "undehydrated silica."

In contrast, in Applicants' supported catalyst composition, the support material being pretreated with the organoaluminum compounds is "dehydrated" support material.

Accordingly, it is submitted that neither of claim 1 nor 21 or claims 2-4, 6, 9, 15-18, or 20 dependent from claim 1 can be considered to be anticipated by Chang. Its withdrawal as a ground of rejection of these claims under §102(b) is, therefore, requested.

Regarding claim 5 since it depends from claim 1, it is believed this claim is patentable over Chang for the same reasons. Nothing is mentioned in the reference about the support material being “dehydrated.”

In the Office Action the Examiner also rejected claim 21 under §102(b) for being anticipated by WO 2000/15672, previously cited as U.S. Patent No. 6,475,945.

Claim 21 has now been amended to recite that the two different and separate organoaluminum compounds used to pretreat the dehydrated support material are “trialkylaluminum compounds.” As noted by the Examiner in the Office Action, while in Example 3 of WO’672 the silica is first treated with triethylaluminum, it is then treated with tris(pentafluorophenyl) aluminum. This is not a trialkylaluminum compound.

Accordingly, the silica in WO’672 is not being pretreated with two different and separate trialkylaluminum compounds. Its withdrawal as a ground of rejection of claim 21 under §102(b) is, therefore, requested. In this regard, it is noted that the Examiner did not reject claim 4 for being anticipated by WO’672.

Claims 1-3, 6, 9, 13-18, 20, and 21 were rejected under 35 U.S.C. §102(e) for being anticipated by US 2003/0195306 to Tsuie et al., hereafter Tsuie. In making this rejection, the Examiner considers that Tsuie’s use of methyl aluminoxane (MAO) is inherently within the scope of “at least two different organoaluminum compounds,”

because low concentrations of trialkylaluminum starting materials are expected to be present within an MAO mixture.

However, in the present invention, and as set forth in claim 1 and 13, the dehydrated silica is pretreated “separately” with at least two different “and separate” organoaluminum compounds. A man skilled in the art would not consider that MAO represents such two “different and separate” compounds, particularly in view of the teachings in the specification.

Accordingly, it is submitted that neither claim 1 nor 13 or claims 2, 3, 6, 9, 14-18, or 20 dependent from either or both claims 1 and 13 are anticipated by Tsuie. Its withdrawal as a ground of rejection of these claims under §102(e) is, therefore, requested.

Regarding claim 21, it is believed that since the organoaluminum compounds are now trialkylaluminum compounds, that the claim is no longer anticipated by Tsuie. In this regard, it is noted that claim 4 was not included in the rejection.

Regarding claim 19 being rejected for being obvious over Chang, since it depends from claim 1 or 13, it is believed this claim is patentable over Chang for the same reasons expressed above. Nothing is mentioned in this reference about the support material being “dehydrated.”

Finally, claims 7, 10, 11, and 19 were rejected under §103(a) for being obvious over Tsuie. However, while Tsuie may teach what is set forth in these claims, the reference does not teach it in combination with claims 1 and 13 from which they depend. Accordingly, it is submitted they are patentable over Tsuie for the same reasons expressed above.

The indicated allowance of the subject matter of claims 8 and 12 is appreciated. However, it is believed all of the other claims are also patentable over the cited references.

Claims 1-21 should now be in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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